

REMARKS

The claims of the present application have been made subject to a species election. Applicants have elected, as the serotonin reuptake inhibitor (SRI) of the composition of the present application, the compound 2-(3,4-dichlorophenoxy)-5-fluorobenzyl-methylamine. Applicants submit that Claims 1 to 3, 5, 19 to 23, 25 to 28 and 30 read on this species election. Applicants have not elected a 5HT1a antagonist or an α -2-adrenergic antagonist insofar as their claims are limited to 10 members. The Official Action did not recite what species had to be elected and applicants assume that the limitation of the 5HT1a antagonist to the claimed reasonable number of 10 members did not require a species election.

Applicants traverse the election of a single SRI compound or salt thereof as being unreasonably limiting insofar as the originally claimed invention does not require an unreasonably difficult search. This is so insofar as the SRI antidepressant is generically recited in the broadest composition claim.

In other words, the search required to identify pertinent prior art is not critical to the identity of the SRI antidepressant compound or salt thereof. Rather, the search centers upon a composition which includes an SRI antidepressant compound or salt. As such, limiting the SRI antidepressant to a specific species is clearly unduly limiting and restrictive of applicants' rights to adequate coverage of the claimed pharmaceutical composition.

Reconsideration and removal of this species election and examination of all species within the scope of the components of the pharmaceutical composition of the present application is therefore deemed appropriate. Such action is respectfully urged.

In accordance with the request made in the outstanding Official Action, the specification has been amended to indicate that the present non-provisional application claims the benefit of the filing date of Provisional Application No. 60/294,322, filed May 30, 2001.

The present application has also been objected to insofar as Claims 3 to 5 and 7 to 18 are deemed improperly dependent from Claims 2 or 6. Claims 2 and 6 have as their subject matter a pharmaceutical composition. Claims 3 to 5 and 7 to 18 are directed to a compound or salt.

Applicants appreciate the merit of this objection and have amended Claims 3 to 5 and 7 to 18 in accordance with the suggestion made in the Official Action to correct this obvious error. As amended, dependent Claims 3 to 5 and 7 to 18 are directed to a composition. Applicants submit that the amendment to Claims 3 to 5 and 7 to 18 overcomes this objection.

It is noted that Claims 2, 18, 19, 28 and 29 have been amended to correct obvious redundancies and errors in Markush group language, antecedent basis and punctuation. The amendments to these claims, as well as the amendment of the subject matter of Claims 3 to 5 and 7 to 18, have not been made in order to overcome any rejection of these claims. As such, these amendments do not foreclose equivalents under the doctrine of equivalents.

The above amendment and remarks establish that all the claims of the present application are in condition for examination in this application. Prompt examination of these

claims, Claims 1-30, followed by Notice of Allowance and passage to issue, is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Marvin Bressler", with a long horizontal flourish extending to the right.

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